

Attorney Docket No.: 5051-337DVCT3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Stomp et al.

Application No.: 10/677,441

Filed: October 2, 2003

For: *Genetically Engineered Duckweed*

Confirmation No.: 9042

Group Art Unit: 1638

Examiner: Li Zheng

Date: November 28, 2006

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Also enclosed is a check in the amount of \$130.00 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 50-0220 for any additional fee which may be required or credit any overpayment.

Respectfully submitted,

Karen A. Magri
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CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Amelia Tauchen

Attorney Docket No. 5051.337DVC03

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Alexandria, VA 2231

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Sir:

I, Karen A. Magri, am an attorney of record of the disclaimant, North Carolina State University, and am authorized to execute this disclaimer on behalf of the disclaimant. The disclaimant, North Carolina State University, having a principal place of business at 920 Main Campus Drive, Venture Bldg. II, Ste. 400, Raleigh, NC 27695, is the owner of all right, title, and interest in the above-identified application, by Assignment recorded on October 22, 1998, Reel 5948 and Frame 0262.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior United States Patent No. 6,040,498, issued March 21, 2000 and of any patent granted on United States Patent Application Serial No. 10/273,974, filed October 18, 2002, as presently shortened by any terminal disclaimer, which patent and application were assigned to the above-identified disclaimant by Assignment recorded on October 22, 1998, Reel 5948 and Frame 0262.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the patent granted on the above-identified patent application and United States Patent No. 6,040,498, and United States Patent Application Serial No. 10/273,974, are commonly owned. This agreement runs with any patent

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granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of prior United States Patent No. 6,040,498, and of any patent granted on United States Patent Application Serial No. 10/273,974, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,



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Amelia Tauchen